

ORDINANCE NO. 2013.19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Sections 2-106 and 2-107, by removing a portion of the below described property consisting of parcel 5 and parcel 6 from the R1-6 Single-Family Residential District and designating it as GID, General Industrial District and by expanding and amending a Planned Area Development Overlay (currently on parcels 2, 3 and 4) to the below described property consisting of parcels 1, 2, 3, 4, 5 and 6. The entire property consisting of parcels 1, 2, 3, 4, 5 and 6 is designated as GID (PAD), General Industrial District with a Planned Area Development Overlay on +/-2.93 acres.

LEGAL DESCRIPTION

PARCEL NO. 1 (APN # 124-58-002A)

THAT PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY PROPERTY LINE OF INTERSTATE HIGHWAY ROUTE NUMBER 10 AND THE SOUTH BANK OF THE JENKINS DITCH;

THENCE SOUTH 89 DEGREES 25 MINUTES 20 SECONDS EAST ALONG SAID SOUTH BANK OF JENKINS DITCH, 364.92 FEET TO A POINT ON THE WEST LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED AS PARCEL NO. 1 IN DEED TO DONALD A. LORENZ, ET UX, RECORDED IN DOCKET 4031, PAGE 287, MARICOPA COUNTY RECORDS;

THENCE SOUTH 0 DEGREES 02 MINUTES 40 SECONDS WEST ALONG THE WEST LINE OF SAID LORENZ TRACT, 215.90 FEET TO A POINT ON THE NORTHEASTERLY PROPERTY LINE OF THE AFORESAID INTERSTATE HIGHWAY ROUTE NO. 10;

THENCE ALONG SAID NORTHEASTERLY LINE NORTH 78 DEGREES 14 MINUTES 45 SECONDS WEST 40.34 FEET (MEASURED) (NORTH 78 DEGREES 12 MINUTES 34 SECONDS WEST 40.01 FEET RECORD);

THENCE CONTINUING ALONG SAID HIGHWAY PROPERTY LINE NORTH 56 DEGREES 59 MINUTES 35 SECONDS WEST (MEASURED) (NORTH 56 DEGREES 56 MINUTES 50 SECONDS EAST RECORD) 388.17 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION OF THE WITHIN DESCRIBED PROPERTY LYING WITHIN THE EAST 240 FEET OF THE WEST 450 FEET AS MEASURED ALONG THE NORTH LINE OF THE FOLLOWING DESCRIBED PROPERTY:

THAT PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 20, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE MIDDLE OF THE ROAD ON THE WEST SIDE OF THE SOUTHEAST QUARTER AND ON THE SOUTH BANK OF CANAL KNOWN AS JENKINS DITCH, RUNNING EAST 610-1/2 FEET;

THENCE SOUTH 198 DEGREES;

THENCE WEST APPROXIMATELY 610-1/2 FEET IN A SEMICIRCLE 33 FEET NORTH AND PARALLEL WITH PAVED ROAD ON NORTH SIDE OF DOUBLE BUTES AS IT EXISTED SEPTEMBER 27, 1947, TO A POINT IN THE MIDDLE OF THE ROAD ON THE WEST SIDE OF ABOVE QUARTER SECTION;

THENCE NORTH 198 FEET MORE OR LESS TO THE POINT OF BEGINNING.

PARCEL NO. 2 (APN # 124-58-022A):

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 799 FEET EAST OF THE MIDDLE OF THE ROAD ON THE WEST SIDE OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN AND ON THE SOUTH BANK OF THE CANAL KNOWN AS THE JENKINS DITCH;

THENCE EAST 60 FEET;

THENCE SOUTH 314 FEET;

THENCE NORTHWEST 72 FEET;

THENCE NORTH 278 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION TAKEN BY THE STATE OF ARIZONA IN FINAL ORDER OF CONDEMNATION RECORDED IN DOCKET 6959, PAGE 421.

PARCEL NO. 3 (APN # 124-58-023A)

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 859 FEET EAST OF THE MIDDLE OF THE ROAD ON THE WEST SIDE OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, AND ON THE SOUTH BANK OF THE CANAL KNOWN AS JENKINS DITCH, RUNNING THENCE EAST 77 FEET;

THENCE SOUTH 379 1/2 FEET;

THENCE NORTHWEST 91 1/2 FEET;

THENCE NORTH 314 FEET TO THE PLACE OF BEGINNING.

EXCEPT THAT PORTION TAKEN BY THE STATE OF ARIZONA IN FINAL ORDER OF CONDEMNATION RECORDED IN DOCKET 6959, PAGE 421.

PARCEL NO. 4 (APN # 124-58-017A):

PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 936 FEET EAST OF THE MIDDLE OF THE ROAD ON THE WEST SIDE OF THE SOUTHEAST QUARTER ON THE SOUTH BANK ON THE CANAL KNOWN AS JENKINS DITCH;

THENCE EAST 106 FEET;

THENCE SOUTH 444 FEET;

THENCE NORTHWEST 134 FEET;

THENCE NORTH 363 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PART WHICH LIES SOUTHERLY OF THE FOLLOWING DESCRIBED LINE, WHICH WAS CONVEYED TO STATE OF ARIZONA IN DOCKET 5657, PAGE 510, RECORDS OF MARICOPA COUNTY, ARIZONA;

BEGINNING AT A POINT ON THE CENTERLINE OF EXISTING BROADWAY ROAD, WHICH POINT IS NORTH 89 DEGREES 24 MINUTES 50 SECONDS WEST 1201.29 FEET FROM THE SOUTHEAST CORNER OF SECTION 20;

THENCE NORTH 0 DEGREES 35 MINUTES 10 SECONDS EAST 75 FEET;

THENCE FROM A LOCAL TANGENT BEARING OF NORTH 89 DEGREES 24 MINUTES 50 SECONDS WEST ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1357.4 FEET, A DISTANCE OF 274.15 FEET

THENCE NORTH 0 DEGREES 05 MINUTES 25 SECONDS EAST 107.58 FEET;

THENCE NORTH 66 DEGREES 45 MINUTES 22 SECONDS WEST 84.83 FEET;

THENCE NORTH 78 DEGREES 12 MINUTES 54 SECONDS WEST 78.73 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE NORTH 78 DEGREES 12 MINUTES 54 SECONDS WEST 108.35 FEET TO THE END OF THIS LINE.

PARCEL NO. 5 (APN # 124-58-014):

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 1042 FEET EAST OF THE MIDDLE OF THE ROAD ON THE WEST SIDE OF THE SOUTHEAST QUARTER OF SECTION 20, AND ON THE SOUTH BANK OF CANAL KNOWN AS JENKINS DITCH;

THENCE EAST 52 FEET;

THENCE SOUTH 382 FEET;

THENCE WEST 52 FEET;

THENCE NORTH 382 FEET TO THE PLACE OF BEGINNING.

EXCEPT ANY PORTION LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

A PARCEL OF LAND SITUATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING WITHIN THE RIGHT OF WAY OF THE PHOENIX-CASA GRANDE INTERSTATE HIGHWAY AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF EXISTING BROADWAY ROAD, WHICH POINT IS NORTH 89 DEGREES 24 MINUTES 50 SECONDS WEST, 1201.29 FEET FROM THE SOUTHEAST CORNER OF SECTION 20;

THENCE NORTH 0 DEGREES 35 MINUTES 10 SECONDS EAST, 75 FEET;

THENCE FROM A LOCAL TANGENT BEARING OF NORTH 89 DEGREES 24 MINUTES 50 SECONDS WEST, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1357.40 FEET, A DISTANCE OF 274.15 FEET;

THENCE NORTH 0 DEGREES 05 MINUTES 25 SECONDS EAST, 107.58 FEET;

THENCE NORTH 66 DEGREES 45 MINUTES 12 SECONDS WEST, 84.83 FEET;

THENCE NORTH 78 DEGREES 12 MINUTES 34 SECONDS WEST, 25.63 FEET TO THE EASTERLY LINE OF DEFENDANT'S PROPERTY AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 78 DEGREES 12 MINUTES 34 SECONDS WEST, 53.1 FEET;

THENCE SOUTH 0 DEGREES 05 MINUTES 25 SECONDS WEST, 187.37 FEET;

THENCE SOUTH 89 DEGREES 22 MINUTES 35 SECONDS EAST, 52 FEET;

THENCE NORTH 0 DEGREES 05 MINUTES 25 SECONDS EAST, 177.09 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 6 (APN # 124-58-009):

THE NORTH HALF OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT 1094 FEET EAST OF THE MIDDLE OF THE ROAD ON THE WEST SIDE OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 4 EAST, AND ON THE SOUTH BANK OF THE CANAL KNOWN AS JENKINS DITCH;

THENCE EAST 103 FEET;

THENCE SOUTH 423 FEET;

THENCE WEST 103 FEET;

THENCE NORTH 423 FEET TO THE POINT OF BEGINNING.

TOTAL AREA IS +/-2.93 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of **Case # ZON13001 and PAD13002** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 9th_day of May, 2013.

Mark W. Mitchell, Mayor

ATTEST:

Brigitta M. Kuiper, City Clerk

APPROVED AS TO FORM:

Judith R. Baumann, Interim City Attorney